

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLIE E. ACKERMAN,

Defendant.

CR-04-108-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 3, 2018. (Doc. 45.) Ackerman filed objections on April 12, 2018. (Doc. 47.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on March 29, 2018. (Doc. 41.) The United States accused Mr. Ackerman of violating his conditions of supervised release by (1) associating with persons engaged in criminal activity, (2) using a controlled substance, and (3) frequenting places where controlled substances are illegally sold, used, or administered. (Doc. 45 at 1.) Ackerman admitted to the violations. *Id.*

Judge Johnston recommended that the Court revoke Ackerman's supervised release. *Id.* at 9. Judge Johnston recommended that the Court sentence Ackerman to six months in custody, followed by fifty-four months of supervised release. Judge Johnston additionally recommended that the Court modify the conditions of Mr. Ackerman's supervised release, which were originally imposed in 2005, to bring the conditions into compliance with current law. *Id.* at 2, 9.

Ackerman now objects to Judge Johnston's Findings and Recommendations. Ackerman asks that this Court instead defer his petition for 90-120 days to allow him to come into compliance with the conditions of his supervised release.

The Court has considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations. Ackerman's violations of his conditions represent a serious breach of the Court's trust. Mr. Ackerman's term of supervised release commenced on February 27, 2018. (Doc. 36 at 1.) Less than one month later, Great Falls Police responded to Mr. Ackerman's hotel room upon a report from hotel staff that drug transactions appeared to be ongoing within. *Id.* at 2. Housekeeping staff observed several people emerging from the room "with red noses as if they had just snorted something." *Id.* United States Probation conducted a search, and found methamphetamine paraphernalia. *Id.*

This violation proves serious and warrants revocation of Ackerman's supervised release. The Court acknowledges that this petition represents the first

report of a violation of Mr. Ackerman's supervised release. The facts regarding drug trafficking or distribution, however, represent an exceptionally serious breach of the Court's trust.

Judge Johnston has recommended that the Court revoke Ackerman's supervised release and commit Ackerman to the custody of the Bureau of Prisons for six months. (Doc. 45 at 9.) Judge Johnston further has recommended that fifty-four months of supervised release follow his custody period. *Id.* The sentence recommended by Judge Johnston is sufficient, but not greater than necessary.

The Court has reviewed the remainder of Judge Johnston's Findings and Recommendations for clear error. Finding none, the Court adopts the Findings and Recommendations in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 45) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Leslie Eric Ackerman be sentenced to custody for six months, followed by 54 months supervised release. Upon release from custody, Mr. Ackerman shall be subject to the modified conditions of supervised release as reflected in the judgment.

DATED this 18th day of April, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge